

	File Number	Call Sign	Facility ID
1	BNPH-20041223ACA	KZBI	164140
2	BNPH-20041223ABR	KPHD	164141
3	BNPH-20041223ACB	KURR	164147
4	BNPH-20041227ACN	KEMR	164145
5	BNPH-20041227ACP	KHUN	164146
6	BNPH-20041227ACJ	KRPX	164148
7	BNPH-20041227ACI	KADQ-FM	164152
8	BNPH-20041228ABE	KIRQ	164129
9	BNPH-20041228ABC	KKDT	164130
10	BNPH-20041228ABB	KXNC	164131
11	BNPH-20041228ABA	KYLI	164142
12	BNPH-20041228AAX	KZTL	164138
13	BNPH-20041228AAU	KRNP	164139
14	BNPH-20041228AAT	KANY	164149
15	BNPH-20041228AAS	KLWA	164150
16	BNPH-20041228AAC	KMRZ-FM	164153
17	BNPH-20041228AAB	KJXN	164154
18	BNPH-20041228ABD	KTPZ	164127
19	BNPH-20041228ABK	KHSK	164135
20	BNPH-20041229ACC	KQPI	164125
21	BNPH-20041229ADZ	KSLV-FM	164123
22	BNPH-20041229AEA	KPAU	164122
23	BNPH-20041229ABR	KETT	164137
24	BNPH-20041229ABS	KHYY	164136
25	BNPH-20041230ADB	KXJO	164128
26	BNPH-20041230ACU	KZUS	164132
27	BNPH-20041230ACS	KINX	164133
28	BNPH-20041230ACQ	NEW	164143
29	BNPH-20041230ACV	KJBI	164144
30	BNPH-20041230ACY	KWGF	164134
31	BNPH-20041230ACZ	KEAL	164120
32	BNPH-20050103AAN	KRID	164126
33	BNPH-20050103AAA	KDVC	164124
34	BNPH-20050103AAB	KAYF	164121
35	BNPH-20050103AFI	KYEN	164151
36	BNPH-20050103AAC	KEEC	164117
37	BNPH-20050103AAD	KXTT	164119
38	BNPH-20050103AIK	KCGC	164118

ATTACHMENT C



PUBLIC NOTICE

Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554
DA- 13-679

News media information 202/ 418-0500
TTY: 1-888-835-5322
Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

Before the
Federal Communications Commission
Washington, D.C. 20554

PUBLIC NOTICE

Released: April 11, 2013

FEE DECISIONS OF THE MANAGING DIRECTOR AVAILABLE TO THE PUBLIC

The Managing Director is responsible for fee decisions in response to requests for waiver or deferral of fees as well as other pleadings associated with the fee collection process. A public notice of these fee decisions is published in the FCC record.

The decisions are placed in General Docket 86-285 and are available for public inspection. A copy of the decision is also placed in the appropriate docket, if one exists.

Listed below are the Managing Director fee decisions released for public information. These decisions can be searched for and viewed on the Commission's Electronic Comment Filing System, available at <http://apps.fcc.gov/ecfs/>. Questions concerning the use of ECFS should be directed to 202-418-0193 or ecfshelp@fcc.gov.

Bott Communications - Request for refund of long form construction permit Application Fee Form 301, Auction No. 37. **Denied** (March 27, 2013).

Legacy Communications, LLC - Request for refund of long form construction permit Application Fee Form 301, Auction No. 62. **Denied** (March 27, 2013).

Absolute Communications, LLC - Request for refund of long form construction permit Application Fee Form 301, Auction No. 37. **Denied** (March 27, 2013).

Programmers Broadcasting, Inc. - Request for refund of long form construction permit Application Fee Form 301, Auction No. 37. **Denied** (March 27, 2013).

Mattox Broadcasting, Inc. - Request for refund of long form construction permit Application Fee Form 301, Auction No. 70. **Denied** (March 27, 2013).

Airen Broadcasting Company - Request for refunds of long form construction permit Application Fees Form 301, Auction Nos. 37 and 62. **Denied** (March 27, 2013).

Tri State Radio, LLC - Request for refund of long form construction permit Application Fee Form 301, Auction No. 68. **Denied** (March 27, 2013).

Horizon Christian Fellowship - Request for refund of long form construction permit Application Fee Form 301, Auction No. 62. **Denied** (March 27, 2013).

JAB Broadcasting, LLC - Request for refund of long form construction permit Application Fee Form 301, Auction No. 62. **Denied** (March 27, 2013).

Independence Media Holdings - Request for refund of long form construction permit Application Fee Form 301, Auction No. 70. **Denied** (March 27, 2013).

E-String Wireless, Ltd. - Request for refunds of long form construction permit Application Fees Form 301, Auction Nos. 37 and 70. **Denied** (March 27, 2013).

Delta Media Corporation - Request for refund of long form construction permit Application Fee Form 301, Auction No. 37. **Denied** (March 27, 2013).

Munbilla Broadcasting Properties, Ltd. - Request for refunds of long form construction permit Application Fees Form 301, Auctions Nos. 62 and 70. **Denied** (March 27, 2013).

Ramar Communications, Inc. - Request for refund of long form construction permit Application Fee Form 301, Auction No. 88. **Denied** (March 27, 2013).

Richland Reserve, LLC - Request for refund of long form construction permit Application Fee Form 301, Auction No. 64. **Denied** (March 27, 2013).

Charles Crawford - Request for refund of long form construction permit Application Fee Form 301, Auction No. 70. **Denied** (March 27, 2013).

Red Peach, LLC - Request for refund of long form construction permit Application Fee Form 301, Auction No. 91. **Denied** (March 27, 2013).

Katherine Pyeatt - Request for refund of long form construction permit Application Fee Form 301, Auction No. 91. **Denied** (March 27, 2013).

Porter Hogan Charitable Trust #1 - Request for refunds of long form construction permit Application Fee Form 301, Auction No. 37 62. **Denied** (March 27, 2013).

Frank Neely - Request for refund of long form construction permit Application Fee Form 301, Auction No. 62. **Denied** (March 27, 2013).

Pampa Broadcasters, Inc. - Request for refund of long form construction permit Application Fee Form 301, Auction No. 79. **Denied** (March 27, 2013).

Katherine Pyeatt - Request for refund of long form construction permit Application Fee Form 301, Auction No. 62. **Denied** (March 27, 2013).

Stroh Communications Corporation - Request for refund of long form construction permit Application Fee Form 301, Auction No. 70. **Denied** (March 27, 2013).

Gary Katz - Request for refund of long form construction permit Application Fee Form 301, Auction No. 37. **Denied** (March 27, 2013).

Keystone Broadcasting Corporation - Request for refund of long form construction permit Application Fee Form 301, Auction No. 79. **Denied** (March 27, 2013).

Janet Jensen - Request for refund of long form construction permit Application Fee Form 301, Auction No. 37. **Denied** (March 27, 2013).

James River Broadcasting Company, Inc. - Request for refund of long form construction permit Application Fee Form 301, Auction No. 37. **Denied** (March 27, 2013).

College Creek Broadcasting, Inc. - Request for refunds of long form construction permit Application Fee Form 301, Auctions No. 37. **Denied** (March 27, 2013).

Cochise Media Licensees, LLC - Request for refund of long form construction permit Application Fee Form 301, Auction No. 79. **Denied** (March 27, 2013).

Western Pacific Broadcast LLC - Request for refund of long form construction permit Application Fee Form 301, Auction No. 90. **Denied** (March 27, 2013).

Williston Community Broadcasting Corporation - Request for refund of long form construction permit Application Fee Form 301, Auction No. 791. **Denied** (March 27, 2013).

WGHN, Inc. - Request for refund of long form construction permit Application Fee Form 301, Auction No. 91. **Denied** (March 27, 2013).

CSI Media Research - Request for refund of long form construction permit Application Fee Form 301, Auction No. 91. **Denied** (March 27, 2013).

Edward De La Hunt - Request for refund of long form construction permit Application Fee Form 301, Auction No. 62. **Denied** (March 27, 2013).

William C. Doleman - Request for refund of long form construction permit Application Fee Form 301, Auction No. 37. **Denied** (March 27, 2013).

Stephen T. Butler - Request for refund of long form construction permit Application Fee Form 301, Auction No. 70. **Denied** (March 27, 2013).

Christian Ministries of the Valley, Inc. - Request for refund of long form construction permit Application Fee Form 301, Auction No. 79. **Denied** (March 27, 2013).

Chaparral Broadcasting, Inc. - Request for refund of long form construction permit Application Fee Form 301, Auction No. 37. **Denied** (March 27, 2013).

RadioJones, LLC - Request for refund of long form construction permit Application Fee Form 301, Auction No. 79. **Denied** (March 27, 2013).

Bryan A. King - Request for refund of long form construction permit Application Fee Form 301, Auction No. 79. **Denied** (March 27, 2013).

LiveAir Communications, Inc. - Request for refund of long form construction permit Application Fees Form 301, Auction Nos. 62, 70, and 91. **Denied** (March 27, 2013).

Mount Wilson FM Broadcasters, Inc. - Request for refund of long form construction permit Application Fee Form 301, Auction No. 79. **Denied** (March 27, 2013).

Grenax Broadcasting III, LLC - Request for refund of long form construction permit Application Fee Form 301, Auction No. 37. **Denied** (March 27, 2013).

Cochise Media Licensees, LLC - Request for refund of long form construction permit Application Fee Form 301, Auction No. 79. **Denied** (March 27, 2013).

Conquering With Christ, LLC - Request for refund of long form construction permit Application Fee Form 301, Auction No. 91. **Denied** (March 27, 2013).

Richard Comras - Request for refund of long form construction permit Application Fee Form 301, Auction No. 79. **Denied** (March 27, 2013).

Georgia-Carolina Wireless, LLC - Request for refund of long form construction permit Application Fee Form 301, Auction No. 70. **Denied** (March 27, 2013).

Hispanic Target Media, Inc. - Request for refund of long form construction permit Application Fee Form 301, Auction No. 79. **Denied** (March 27, 2013).

Hispanic Target Media, Inc. - Request for refund of long form construction permit Application Fee Form 301, Auction No. 62. **Denied** (March 27, 2013).

Hispanic Target Media, Inc. - Request for refund of long form construction permit Application Fees Form 301, Auction No. 37. **Denied** (March 27, 2013).

Hispanic Target Media, Inc. - Request for refund of long form construction permit Application Fee Form 301, Auction No. 91. **Denied** (March 27, 2013).

Valleydale Broadcasting, LLC - Request for refund of long form construction permit Application Fee Form 301, Auction No. 91. **Denied** (March 27, 2013).

Valleydale Broadcasting, LLC - Request for refund of long form construction permit Application Fee Form 301, Auction No. 79. **Denied** (March 27, 2013).

Virtues Communications Network LLC - Request for refund of long form construction permit Application Fee Form 301, Auction No. 91. **Denied** (March 27, 2013).

Radick Constructions, Inc. - Request for refund of long form construction permit Application Fee Form 301, Auction No. 37. **Denied** (March 27, 2013).

Simon T - Request for refund of long form construction permit Application Fee Form 301, Auction No. 37. **Denied** (March 27, 2013).

Radio WEBS, Inc. - Request for refund of long form construction permit Application Fee Form 301, Auction No. 91. **Denied** (March 27, 2013).

Skywest Media, LLC - Request for refund of long form construction permit Application Fees Form 301, Auction Nos. 37, 62, and 70. **Denied** (March 27, 2013).

Georgia Eagle Broadcasting, Inc. - Request for refund of long form construction permit Application Fee Form 301, Auction No. 70. **Denied** (March 27, 2013).

Fox Radio Network, LLC - Request for refund of long form construction permit Application Fee Form 301, Auction No. 70. **Denied** (March 27, 2013).

Edward De La Hunt - Request for refund of long form construction permit Application Fee Form 301, Auction No. 62. **Denied** (March 27, 2013).

William C. Doleman - Request for refund of long form construction permit Application Fee Form 301, Auction No. 37. **Denied** (March 27, 2013).

Champlin Broadcasting, Inc. - Request for refund of long form construction permit Application Fee Form 301, Auction No. 62. **Denied** (March 27, 2013).

Chaparral Broadcasting, Inc. - Request for refund of long form construction permit Application Fee Form 301, Auction No. 37. **Denied** (March 27, 2013).

Catholic Radio Network - Request for refund of long form construction permit Application Fee Form 301, Auction No. 62. **Denied** (March 27, 2013).

Sheila Callahan & Friends, Inc. - Request for refund of long form construction permit Application Fee Form 301, Auction No. 62. **Denied** (March 27, 2013).

Catholic Radio Network - Request for refund of long form construction permit Application Fee Form 301, Auction No. 6. **Denied** (March 27, 2013).

A & J Media LLC - Request for refund of long form construction permit Application Fee Form 301, Auction No. 62. **Denied** (March 27, 2013).

Howard C. Toole - Request for refund of long form construction permit Application Fee Form 301, Auction No. 70. **Denied** (March 27, 2013).

Valleydale Broadcasting, LLC - Request for refund of long form construction permit Application Fee Form 301, Auction No. 79. **Denied** (March 27, 2013).

Stephen T. Butler - Request for refund of long form construction permit Application Fee Form 301, Auction No. 70. **Denied** (March 27, 2013).

Julie Epperson - Request for refund of long form construction permit Application Fee Form 301, Auction No. 37. **Denied** (March 27, 2013).

TeleSouth Communications, Inc. - Request for refund of long form construction permit Application Fee Form 301 Auction No. 70. **Denied** (March 27, 2013).

Alexandra Communications, Inc. - Request for refund of long form construction permit Application Fee Form 301, Auction No. 91. **Denied** (March 27, 2013).

ATTACHMENT D

LAUREN A. COLBY
ATTORNEY AT LAW
POST OFFICE BOX 113
FREDERICK, MARYLAND 21705-0113

October 21, 2009

10 EAST FOURTH STREET
FREDERICK, MARYLAND 21701-5257

TELEPHONE
301-663-1086
FACSIMILE
301-695-8734
E-MAIL
lac@lcolby.com

BY HAND

Mr. Steven VanRoekel
Managing Director
Federal Communications Commission
The Portals
445 Twelfth Street SW
Washington, DC 20554

Dear Mr. VanRoekel:

On October 19, 2009, this office filed an application on behalf of Mildred R. Porter for a construction permit for a new FM broadcast station at Boligee, Alabama. Pursuant to the Commission's *Public Notice*, DA 09-2063, released September 18, 2009, I paid a filing fee of \$3365.00.

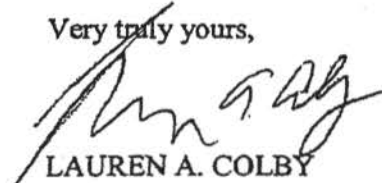
The Commission's Rules, however, are plain and explicit that the winner of an auction is not required to pay a filing fee. Section 1.2107(c) of the Commission's Rules, 47 C.F.R. Section 1.2107(c), which was in effect at the time of the last FM auction and has never been changed, reads as follows:

"A high bidder that meets its down payment obligations in a timely manner must, within ten (10) business days after being notified that it is a high bidder, submit an additional application (the "long-form application") pursuant to the rules governing the service in which the applicant is the high bidder. Notwithstanding any other provision in title 47 of the Code of Federal Regulations to the contrary, high bidders need not submit an additional application filing fee with their long-form applications..."

Mr. VanRoekel
October 21, 2009
Page 2

An agency is bound by its own rules, *Service v. Dulles*, 354 U.S. 363 (1957). That being true, the Commission is obligated to obey Section 1.2107(c), unless and until the rule is changed or deleted in accordance with the procedures set forth in the *Administrative Procedures Act*. That has not happened. Accordingly, Ms. Porter is entitled to a refund of her \$3365.00 filing fee, and I request that such a refund be promptly sent.

Very truly yours,



LAUREN A. COLBY
Attorney

LAC/tdm

cc: Ms. Lisa Scanlan (Via Email)
Ms. Mildred R. Porter

ATTACHMENT E

United States Treasury ¹⁵⁻⁵¹ 000 G 041,962,378



Pay to
the order of

03 14 11 7 SAN FRANCISCO, CA
3151 04845300 27000001 M2

LAUREN A COLBY ESQ.
C/O MILDRED R PORTER
10 E. FOURTH STREET
P.O. BOX 113
FREDERICK, MD 21705-0113

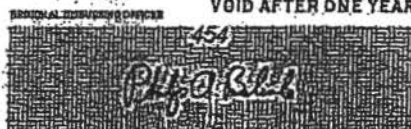
Check No.

3151 04845300
OFCC110311

\$\$\$3365*00

VOID AFTER ONE YEAR

PER ENCLOSED MAILING NOTICE



315150 0000000518 048453009 010311

NOTICE TO CHECK RECIPIENT

TREASURY-FINANCIAL MANAGEMENT SERVICE TFS FORM 3090(Rev.)

VENDOR NAME: LAUREN A COLBY ESQ.		VENDOR I.D. NUMBER: 093264459	
AGENCY NAME AND BILLING ADDRESS: FCC 445 12TH ST, S.W. 1A636 WASHINGTON, D.C. 20554		U.S. TREASURY REG. SAN FRANCISCO, CA FINANCIAL CENTER	
		CHECK NUMBER 3151-04845300	CHECK AMOUNT \$\$\$3365.00
		CHECK DATE 03-14-11	
NOT REQUIRED TO PAY FEES		AGENCY SCHEDULE NUMBER OFCC110311	
		AGENCY TELEPHONE NUMBER 202-41-8-19	

PLEASE DIRECT ANY INQUIRIES CONCERNING THIS PAYMENT TO THE AGENCY AT THE ADDRESS (OR PHONE NUMBER) INDICATED ABOVE

CERTIFICATE OF SERVICE

I, Erica Hilburger, do hereby certify that copies of the foregoing "Application for Review" were sent via e-mail, this 29th day of April, 2013 to the following:

Sean Lev, Esq.
General Counsel
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554
sean.lev@fcc.gov

Lauren Belvin
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554
lauren.belvin@fcc.gov

Mark Stephens
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554
mark.stephens@fcc.gov


Erica Hilburger

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

MAR 27 2013

OFFICE OF
MANAGING DIRECTOR
Aaron P. Shainis, Esq.
Shainis & Peltzman, Chartered
1850 M Street NW, Suite 240
Washington, DC 20036

Re: College Creek Broadcasting, Inc.
FRN 0011304029

File No. BNPH-20041223ACA
BNPH-20041223ABR
BNPH-20041223ACB

BNPH-20041227ACN
BNPH-20041227 ACP
BNPH-20041227ACJ
BNPH-20041227ACI

BNPH-20041228ABE
BNPH-20041228ABC
BNPH-20041228ABB
BNPH-20041228ABA
BNPH-20041228AAX
BNPH-20041228AAU
BNPH-20041228AAT
BNPH-20041228AAS
BNPH-20041228AAC
BNPH-20041228AAB
BNPH-20041228ABD
BNPH-20041228ABK

BNPH-20041229ACC
BNPH-20041229ADZ
BNPH-20041229AEA
BNPH-20041229ABR
BNPH-20041229ABS

BNPH-20041230ADB
BNPH-20041230ACU
BNPH-20041230ACS
BNPH-20041230ACQ
BNPH-20041230ACV
BNPH-20041230ACY
BNPH-20041230ACZ

BNPH-20050103AAN
BNPH-20050103AAA
BNPH-20050103AAB
BNPH-20050103AFI
BNPH-20050103AAC
BNPH-20050103AAD
BNPH-20050103AIK

Dear Mr. Shainis:

This responds to your July 19, 2011 request for refund of application fees totaling \$108,870.00 paid by College Creek Broadcasting, Inc. (College Creek) in conjunction with the filing of long form construction permit applications (FCC Form 301) following the conclusion of Auction No. 37. For the reasons stated below, payment of the fees was correct and no refund is warranted.

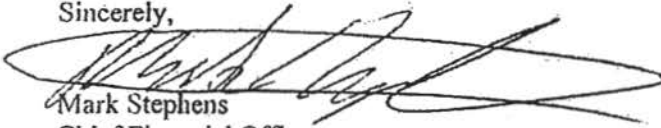
You contend that no filing fees were required pursuant to section 1.2107(c) of the rules, which states that high bidders in spectrum auctions need not submit an additional application fee notwithstanding any other provision of our rules. Section 1.2107(c) is one of the uniform competitive bidding rules that the Commission adopted in 1997 for non-broadcast spectrum auctions. *Amendment of Part 1 of the Commission's Rules -- Competitive Bidding Procedures, Third Report and Order and Second Further Notice of Proposed Rulemaking in WT Docket No. 97-82 and ET Docket No. 94-32*, 13 FCC Rcd 374 (1997) (*Third Report and Order*). The Commission stated that the rules adopted in the *Third Report and Order* would apply to all auctionable services, unless the Commission determined that with regard to particular matters the adoption of service-specific rules was warranted. *Id.* at 382.

The Commission subsequently adopted service-specific rules for broadcast service auctions in 1998, and stated that those rules would apply to all broadcast service auctions. *Implementation of Section 309(j) of the Communications Act -- Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses, MM Docket No. 97-234, First Report and Order*, 13 FCC Rcd 15920, 15923 (1998) ("*Broadcast Auction Report and Order*"). At paragraph 164 of the *Broadcast Auction Report and Order* the Commission stated that winning bidders' Form 301 applications should be filed pursuant to the rules governing the relevant broadcast service and according to any procedures set out by public notice, and specifically stated that the statutorily established application fees would apply to the long-form applications filed by winning bidders. *Id.* at 15984.

The Public Notice issued after the close of Auction 37 provided that "In accordance with the Commission's rules, electronic filing of FCC Form 301 must be accompanied by the appropriate application filing fee," and referenced the fee requirement contained in Paragraph 164 of the *Broadcast Auction Report and Order*. *Auction of FM Broadcast Construction Permits Closes*, 20 FCC Rcd 1021, 1025 (2004) (*Auction 37 Closing Notice*). In compliance with the *Broadcast Auction Report and Order* and the *Auction 37 Closing Notice*, College Creek paid the fees at the prescribed time and in the correct amounts. This demonstrates that College Creek had actual and timely knowledge of the requirement that winning bidders in media service auctions must pay the prescribed application fee when filing a Form 301 long-form construction permit application. A party with actual and timely notice of a requirement is bound by its terms. See *United States v. Mowat*, 582 F.2d 1194, 1201-02 (9th Cir. 1978); *United States v. Aarons*, 310 F.2d 341, 348 (2nd Cir. 1962).

For these reasons your request for refund of the application fees is denied.

Sincerely,


Mark Stephens
Chief Financial Officer